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THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1937

(25th January to 19th February, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1937



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Legislative Assembly.

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Deputy President:

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CORRIGENDA.

In the Legislative Assembly Debates, Delhi Session, 1937,—

- (1) Volume I, No. 1, dated the 25th January 1937, page 29, in line I of the subject-heading to starred question No. 54, for "teh" read "the" at both places where it occurs.
- (2) Volume I, No. 4, dated the 28th January, 1937, page 299, line 14 from the bottom, for "hundred years ago" read "fifteen hundred years ago".
- (3) Volume I, No. 9, dated the 4th February, 1937, page 478, line 6 from the bottom for "not to heard" read "not to be heard".
- (4) Volume I, No. 11, dated the 8th February, 1937, page 593, lines 1 and 2 from the bottom, for "Constituence" read "Constituency".
- (5) Volume II, No. 4, dated the 26th February, 1937, page 1089, in the first line of the subject-heading to starred question No. 454, for "Baudo" read "Baudot".
- (6) Volume II, No. 7, dated the 3rd March, 1937, page 1258, line 3 from the bottom, for "wohle" read "whole".
- (7) Volume II, No. 8, dated the 4th March, 1937, page 1327, in the statement relating to starred question No. 500, for "1. Captain C. F. Carfit" read "1. Captain C. F. Garfit".
- (8) Volume II, No. 9, dated the 5th March, 1937, page 1393, for the small-caps heading "Petitions M88LAD

- laid on the Table" under the subject-heading The Child Marriage Restraint (Amendment) Bill" substitute the following:
 - "Presentation of the Report of the Committee on Petitions".
- (9) Volume II, No. 10, dated the 6th March, 1937, page 1473, in the answer to parts (b) and (d) to staired question No. 530
 - (i) line 6, for "after" read "now that"; and
 - (ii) line 7, for "the other House" read "both Houses".
- (10) Volume II, No. 14, dated the 12th March, 1937,--
 - (i) page 1776, in the italicised heading to the statement laid on the table in answer to part (a) of unstarred question No. 58, for "Excess" read "Excise".
 - (ii) page 1801, line 20, for "Sir Ahmad Nawab Khan" read "Sir Ahmad Nawaz Khan".
- (11) Volume III, No. 5, dated the 19th March, 1937, page 2227, line 6 from the bottom, for "irgnorance" read "ignorance".
- (12) Volume III, No. 6, dated the 20th March, 1937.—
 - (i) page 2260, line 8 from the bottom, for "displomacy" read "diplomacy".
 - (ii) page 2266, line 23, for "inuiry" read "inquiry".

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Motion for adjournment re amendment of the — of the Assembly relating to the privilege of interpellation. 916—21.

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Question re-

Absence of provision in the Government of India Act, 1935, for the appointment of representatives by ——in cases of casual vacancies.

Instruments of Accession proposed by the —— and Chiefs of Indian States. 88.

RULING(S) BY MR. CHAIRMAN (SIR LESLIE HUDSON)—

Indian Subscription Bill-

It seems to the Chair that it is evident that the subject of this Bill for the better administration of moneys raised by public subscription for charitable and other purposes is definitely laid down as being included in Part II, and, therefore, it belongs to the provincial legislative list. Sir Muhammad Yakub's reference to section 104 would probably have been perfectly in order provided a notification could have been obtained prior to the being laid on the table of the House. That has not been done, and, therefore, the Chair must rule that it is not within the competence of this House to discuss the --- 2548.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—

Adjournment of Debate-

So long as there is a quorum, it is not within the power of the President to adjourn the House on a ground that there were only two Indian elected Members present in the whole House. No distinction can be made in a matter like this between one Member and another Indian or European, and whether he is elected or nominated, official or non-official. 636.

The Chair will not put a motion for the — unless a prima face case is made out therefor and it is satisfied that there are sufficient and good grounds for thinking that the measure in question cannot be properly considered. The Chair is not aware of any authority for the statement that there is absolute discretion in the Chair whether to accept such a motion or not. 2516.

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An Honourable Member can only discuss the provisions of a —— on a motion to pass and not enter upon any larger question. 1375.

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An Honourable Member should not read opinions on ——at length, because they are in possession of all the Members. He can only refer to them, if necessary. 718.

Cut Motion(s)-

It depends upon the Member who has given notice of the — to say what his object is having in regard the nature and scope of the motion. If his object simply is to discuss a certain question or to draw the attention of Government to a certain matter, the Chair is not aware of anything which can prevent him from doing that. He may not desire to censure the Government, and he may seek only to obtain information and to express his own views. 1394.

Demands for Supplementary Grants-

It is a well-established rule that Honourable Members cannot discuss questions of policy on supplementary grants. 2268.

Division(s)-

Although the Chair, having full discretion under the standing orders as to the method of dividing the House, can ask Members merely to rise in their seats without their names being taken down, it would, however, follow a previous ruling and accept the suggestion for taking down names, but of those Members only who supported the motion. 2527.

Indian Legislative Rules, Motion re amendment of—

Although the Rules or any amendment to the Rules have to be framed by the Governor General in Council and not by the Assembly, the Government have only moved the motion for consulting the Assembly as to the desirability of these amendments in accordance with a certain undertaking given on a previous occasion, the discretion to amend Rules without consulting the Assembly remaining as laid down in the Act. It was, however, open to the Assembly not

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—contd.

Indian Legislative Rules, Motion re

to have anything to do with these Rules. Again, on a perusal of the language of section 67 (1) of the Government of India Act, and even considering the provisions of Standing Orders 17 and 18, the Chair cannot hold that the Governor General in Council is precluded from bringing about the changes re procedure relating to questions by amending the Rules. The discussion on the motion is not, therefore barred, 552-53.

Miscellaneous--

- An Honourable Member cannot argue, a second time. 2132.
- An Honourable Member cannot have a discussion of what took place in a private conversation. 978.
- An Honourable Member cannot intervene with a speech during the speech of another Honourable Member 1104.
- An Honourable Member cannot make any reflection on a Judge of the High Court. 725.
- An Honourable Member cannot read at an extensive length from past Legislative Assembly Debates. 2018, 2020.
- An Honourable Member should know that if he wants to address the House, he must do so through the Chair. But if he does not want to address the House and wants to carry on conversations, he must do it in the lobby and not in the House 2228.
- Conversations between Honourable Members should not go on when an Honourable Member is speaking. 2142.
- Depreciatory remarks against a Judge of the High Court cannot be allowed in the House. 726.
- Honourable Members are entitled to come to the Assembly in any dress they like and represent any emblem they like, and they can stick anything on to their dress. But no flags should be placed on the tables in front of Honourable Members. 2553.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—contd.

Miscellaneous-contd.

- Honourable Members should not make any defamatory allegations against an individual, especially when the individual is not present in the House to defend himself. 1825—27.
- If an Honourable Member wishes to address any question, he must rise in his seat. 832.
- It is for the person who is occupying the Chair at the time to give his ruling on any point that is raised. 1375.
- "Lighthearted vote" is not a proper expression and the Honourable Member (The Honourable Sir James Grigg) must withdraw it. 1154-55
- No Honourable Member should cross the line between the speaker and the Chair. 2605.
- The Chair cannot allow interruptions. If any point requires elucidation, and if the Honourable Member gives way, then questions can be put. 2205.

There cannot be any sort of challenge in the House, 1380.

Motion(s) for Adjournment-

As Mr. Assf Ali's — re amendment of the Rules of Business of the Assembly relating to the privilege of interpellation seeks to revive discussion on a matter which has already been discussed in this Session and there is really no new matter which requires discussion, it is ruled out of order, 920-21.

When a Resolution is already down for discussion on a subsequent date, no —— anticipating that Resolution can be allowed. 159.

Point(s) of Order-

A —— raising objection to the discussion of a motion should be raised at the earliest stage. 552-53.

Any —— with reference to a motion itself must be taken at the ealiest stage. 349.

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Public Accounts Committee, Motion *e election to the-

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 - Department of Education, Health and Lands re treatment of Indians abroad. 1585-89, 1594.
 - Executive Council re policy of repression. 1713, 1722, 1724.
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- Education of the children of Anglo-Indian and Indian employees of railways. 80, 337-38.
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